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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 ROBERT D. THORSON,

9 Petitioner,

10 v.

11 UNITED STATES OF AMERICA,

12 Respondent.

CASE NO. C18-136 RSM

ORDER AFFIRMING ORDER
DECLINING TO RECUSE

13 This matter comes before the Court on Petitioner Robert Thorson's ("Thorson")
14 motion for recusal of Judge Martinez, Dkt. 34, and Judge Martinez's Order, Dkt. 35.

15 Judge Martinez has declined to voluntarily recuse and the matter was referred to
16 the undersigned pursuant to Local Civil Rule 3(f).

17 The applicable recusal statute provides as follows:

18 (a) Any justice, judge, or magistrate judge of the United States shall
19 disqualify himself in any proceeding in which his impartiality might
reasonably be questioned.

20 (b) He shall also disqualify himself in the following circumstances:

21 (1) Where he has a personal bias or prejudice
concerning a party, or personal knowledge of disputed
evidentiary facts concerning the proceeding;

22 (2) Where in private practice he served as lawyer in
the matter in controversy, or a lawyer with whom he

1 previously practiced law served during such association as a
2 lawyer concerning the matter, or the judge or such lawyer has
been a material witness concerning it;

3 (3) Where he has served in governmental employment
4 and in such capacity participated as counsel, adviser or
5 material witness concerning the proceeding or expressed an
opinion concerning the merits of the particular case in
controversy

6 28 U.S.C. § 455. Further, 28 U.S.C. § 144 provides that when “the judge before whom
7 the matter is pending has a personal bias or prejudice either against him or in favor of any
8 adverse party” a party may file an affidavit stating “the facts and reasons for the belief
9 that bias or prejudice exists” and the case will be assigned to another judge. “Under both
10 statutes, recusal is appropriate where a reasonable person with knowledge of all the facts
11 would conclude that the judge’s impartiality might reasonably be questioned.” *Yagman v.*
12 *Republic Ins.*, 987 F.2d 622, 626 (9th Cir. 1993) (internal quotations and citations
omitted).

13 In this case, Thorson has failed to show that recusal is warranted or appropriate.
14 Thorson alleges that Judge Martinez is biased because a large number of Judge
15 Martinez’s rulings are contrary to law and Judge Martinez has a “very personal interest
16 in the female prosecutor.” Dkt. 34 at 2. Regarding the former, “a judge’s prior adverse
17 ruling is not sufficient cause for recusal.” *United States v. Studley*, 783 F.2d 934, 939
18 (9th Cir. 1986). Regarding the latter, Thorson has offered no actual evidence to support
19 his allegations and seems to lodge the allegation based solely on his disagreement with
20 Judge Martinez’s legal rulings. Therefore, Thorson has failed to establish any valid
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1 reason for Judge Martinez to recuse. The Court **AFFRIMS** Judge Martinez's order
2 declining to recuse and **DENIES** Thorson's motion.

3 **IT IS SO ORDERED.**

4 Dated this 22nd day of May, 2019.

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7 BENJAMIN H. SETTLE
United States District Judge
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